

Connected

Constitutional Convention
Journal/10
Approved Nov. 23, 1955

ALASKA CONSTITUTIONAL CONVENTION

JOURNAL OF THE FOURTEENTH CONVENTION DAY, November 21, 1955

The Convention was called to order by President Egan at 9:00 o'clock A.M.

The Invocation was given by Reverend John C. Stokes, Minister of the University Community Presbyterian Church.

Roll call showed all delegates present. The President declared a quorum present.

Mr. Riley, Chairman of the Rules Committee, asked that the report of the Rules Committee scheduled to be a first order of business be made a special order of business at the afternoon session. There being no objection, it was so ordered.

INTRODUCTION AND FIRST READING OF PROPOSALS

Proposal No. 9, by Victor Fischer, entitled AN ARTICLE ON EDUCATION, HEALTH AND WELFARE, was introduced, read the first time and referred to the Committee on Preamble and Bill of Rights.

Proposal No. 10, by Victor Fischer, entitled INTERGOVERNMENTAL RELATIONS, was introduced, read the first time and referred to the Committee on Resolutions and Recommendations.

Proposal No. 11, by Mr. Harris, entitled LOCATION OF THE STATE CAPITAL, was introduced, read the first time and referred to the Committee on Legislative Branch.

Proposal No. 12, by Mr. Davis, entitled PERTAINING TO THAT SECTION OF THE CONSTITUTION RELATIVE TO THE ESTABLISHMENT OF THE JUDICIAL BRANCH OF THE GOVERNMENT OF THE STATE OF ALASKA, was introduced, read the first time and referred to the Committee on the Judiciary Branch.

RESOLUTIONS

Resolution regarding the location of the State Capital was introduced by Mr. Poulsen and referred to the Committee on the Legislative Branch.

Mr. V. Rivers moved and asked unanimous consent that the Convention recess until 1:30 o'clock P.M. There being no objection, it was so ordered.

AFTER RECESS

Consideration of the Journal

Mr. Knight, member of the committee assigned to reading the Journal, reported the following changes in the Journal for the tenth day: on page 2 insert the word "appointed" on lines 12 and 15. Page 2, line 24, change "proposal" to "principle". Page 3, line 14 change "of" to "at". Page 4, sixth line from the bottom of page typographical error in "remarks".

Mr. Knight asked unanimous consent for the approval of the Journal for the tenth day as corrected. There being no objection, it was so ordered.

Mr. Johnson asked unanimous consent to revert to the introduction of proposals.

INTRODUCTION AND FIRST READING OF PROPOSALS

Proposal No. 13, by Mr. Johnson, entitled DEFINING INHERENT RIGHTS, was introduced, read the first time and referred to the Committee on Preamble and Bill of Rights.

Proposal No. 14, by Mr. Johnson, entitled THE EXECUTIVE, was introduced, read the first time and referred to the Committee on the Executive Branch.

Proposal No. 15, by Mr. Smith, entitled TO MAKE PROVISIONS OF CONSTITUTION MANDATORY, was introduced, read the first time and referred to the Committee on the Executive Branch.

Mr. Riley asked that the Convention revert to Committee Reports.

Mr. Riley stated that the Rules Committee reported adversely on Mr. Sundborg's amendment to Rule 50 which had been referred to it. He submitted a committee redraft of Rule 50 for the consideration of the convention, but stated that before action was taken on the redraft Mr. Sundborg's motion should be disposed of.

The question being "Shall Mr. Sundborg's motion to amend Rule 50 be adopted?", the roll was called with the following result:

Ayes: 4 - Buckalew, Collins, Kilcher, Sundborg

Nays: 50 - Armstrong, Awes, Barr, Boswell, Coghill, Cooper, Cross, Davis, Emberg, H. Fischer, V. Fischer, Gray, Harris, Hellenthal, Hermann, Hilscher, Hinckel, Hurley, Johnson, King, Knight, Laws, Lee, Londborg, McCutcheon, McLaughlin, McNealy, McNees, Marston, Metcalf, Nerland, Nolan, Nordale, Peratrovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Absent: 1 - Doogan

And so the motion failed.

Mr. Smith moved that the redraft of Rule 50 as proposed by the Rules Committee be adopted. Mr. Taylor seconded. Mr. Sundborg moved to amend Mr. Smith's motion to rephrase it. Mr. Smith and Mr. Taylor accepted the amendment.

The motion read as follows:

"Mr. Smith moved to strike Rule 50 and in lieu thereof insert the following:

Rule 50. After all proposals which are to be included in the Constitution have been agreed upon the Convention shall refer them to the Committee on Style and Drafting for final arrangement in proper order and form.

When the Committee submits the Constitution in proposed final form for adoption, any part of the document may, by an affirmative vote of at least 37 Delegates, be opened for specific amendment by reversion to second reading. Should the proposed document be amended it shall again be referred to the Committee on Style and Drafting. After the report of the Committee, the Constitution in final form shall be adopted by the Convention by the affirmative vote of at least 28 Delegates. "

Mrs. Hermann asked unanimous consent that a comma be added in the first sentence after "upon". There being no objection, it was so ordered.

Mr. Kilcher pointed out that in effect the redraft had not changed the original language of Rule 50 and the objective he had been trying to reach when he objected to the rule earlier is taken care of in the rule which allows the convention to rescind action.

Mr. McLaughlin moved the previous question. Mr. Buckalew seconded. Mr. Taylor asked unanimous consent. Mr. Sundborg objected. On voice vote the previous question was ordered.

The question being, "Shall Rule 50 as redrafted by the Rules Committee be adopted?", the roll was called with the following result:

Ayes: 47 - Armstrong, Awes, Barr, Boswell, Buckalew, Coghill, Collins, Cooper, Cross, Davis, Emberg, H. Fischer, Gray, Hellenthal, Hilscher, Hinckel, Hurley, Johnson, Kilcher, King, Knight, Laws, Lee, Londborg, McLaughlin, Marston, Nerland, Nolan, Nordale, Peratovich, Poulsen, Reader, Riley, R. Rivers, V. Rivers, Robertson, Rosswog, Smith, Stewart, Sundborg, Sweeney, Taylor, VanderLeest, Walsh, White, Wien, Mr. President.

Nays: 7 - V. Fischer, Harris, Hermann, McCutcheon, McNealy,
McNees, Metcalf

Absent: 1 - Doogan

And so the Rule was adopted.

Mr. Sundborg asked unanimous consent that in making Rule 50 part of the permanent rules ~~that~~ it be typed as one paragraph. There being no objection, it was so ordered.

Mr. Smith asked unanimous consent that the Convention revert to Committee Reports. There being no objection, it was so ordered.

Mr. Smith reported that the Resources Committee would like to request the services of Ernest R. Bartley and Vincent Ostrom as consultants to the Committee. The President announced that the request would be taken under advisement by the President and the Secretary.

Mr. Hellenthal announced that Committee VI, Committee on Suffrage, Elections and Apportionment, would hold the first of what may be a series of public hearings at 11 o'clock Saturday, November 26. The meeting will be held in the Committee's regular meeting room, but will adjourn to a larger meeting place if necessary. The Committee will consider any matter pertinent to the business of the Committee.

Miss Awes announced that Committee V, Committee on Preamble and Bill of Rights will hold a public hearing on Saturday morning at 9:30 in the Committee Room. Committee V will not meet on Tuesday, but will hold its regular meeting on Wednesday.

Mr. Sundborg reported that the Committee on Style and Drafting would like to request the services of Jack McKay for the duration of the Convention and specifically that the Legislative Council be asked to assign Mr. McKay to the Convention with the Council to pay his salary and the Convention to pay his per diem. The President stated that without objection the President and Secretary would request the Legislative Council to assign Mr. McKay to the Convention.

Mr. McNees asked whether Mr. McKay's services would be available for other Committee work. Mr. Sundborg stated that that would be the case.

Mr. Robertson asked what the procedure would be as to the author of a proposal amending it without going to the Committee.

The President stated he believed the amendment would have to go before the Committee.

Mr. Riley, Chairman of the Rules Committee stated one possible way would be to submit another proposal.

Mrs. Hermann stated there would be no reason why the author could not amend his proposal in second reading.

The President stated the author of a proposal could always ask to have the proposal withdrawn.

It was announced that the Committee on Judiciary would hold its meeting at 4 p.m. at TV station KTVF and through the kindness of Mr. Nerland a TV set had been placed in the lounge so that the delegates could watch the meeting.

Mr. Sundborg asked whether it would be possible to have a report from Mr. Carozza on the soundscribing equipment.

Mr. McNealy asked unanimous consent that the Convention resolve itself into a Committee of the Whole to hear from Mr. Carozza.

Mr. McNees reminded the delegates that precious committee time was being taken up when the Convention did not adjourn on schedule.

The President appointed Mr. Hilscher to preside over the Committee of the Whole.

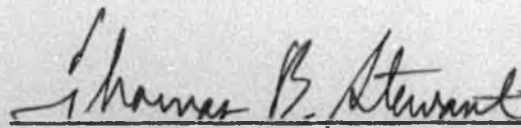
Upon the completion of Mr. Carozza's statement, Mr. McLaughlin moved and asked unanimous consent that the Committee of the Whole rise and report. There being no objection, it was so ordered.

Mr. Kilcher asked that the President address Mr. Hilscher and himself by their first names to avoid confusion. The President advised Mr. Kilcher that he would do so.

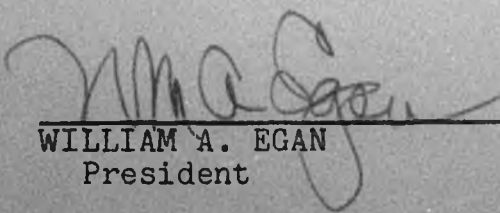
Mr. Hellenthal moved and asked unanimous consent that the Convention adjourn until 9 A.M. Tuesday morning.

Mr. McNealy announced a meeting of Committee IV on recess.

There being no objection to the request for adjournment, it was so ordered.


THOMAS B. STEWART
Secretary

Attested:


WILLIAM A. EGAN
President